

Bill read second time with the following committee amendment:

"Amend by striking out the word 'ten' and insert 'fifteen,' and by striking out the word 'six,' and insert 'eight.'

Committee amendment adopted.

Pending action,

On motion of Senator Goss, the Senate adjourned until to-morrow at 10 a. m.

### THIRTEENTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, Jan. 27.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Boren.	Morris.
Burns.	Neal.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.

Absent.

Beall.	Presler.
Bowser.	Yett.

Excused.

Atlee.	Ross.
Greer.	Yantis.
Linn of Victoria.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Morris,

Senator Yett was excused from attendance on the Senate for Tuesday and Wednesday on account of sickness.

On motion of Senator Stone,

Senator Boren was excused for Tuesday, on account of sickness.

On motion of Senator Gough,

Senator Bowser was excused for Tuesday, Wednesday and Thursday on account of important business.

### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 39, "An act to amend article 353, and repeal articles 354, 355, 356, 357, 358, of title X, chapter 3, of the Penal Code of the State of Texas, in regard to adultery and fornication."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 32, "An act to amend chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas, by adding thereto article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution when such witness is about to remove therefrom."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 15, "An act to amend article 2601, chapter 6, title 51, Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 1, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe,

based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 55, a bill to be entitled "An act to amend articles 641 and 642, chapter 2, of title 21, of the Revised Civil Statutes of Texas, relating to the creation of corporations."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

First. By adding to section 37, "Provided, that guarantee and fidelity companies organized under the provisions of this section shall keep at all times on deposit with the State treasurer money or bonds or other security, to be approved by the Attorney-General, in the amount of twenty-five thousand (\$25,000) dollars, or shall produce satisfactory proof that such corporation owns real estate in this State, the value of which shall not be less than \$25,000."

Second. By substituting the following for the first sentence in section 50: "For the organization of mutual fire insurance associations without an authorized capital stock; provided, that no such mutual fire insurance companies shall be organized in this State for the purpose of profit."

And thus amended, recommend that it do pass.

All of which is respectfully submitted.

LEWIS, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 28, a bill to be entitled "An act to further define the duties of the Railroad Commission of Texas to make and enforce rules."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COLQUITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLQUITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 4, a bill to be entitled "An act to amend title 43 of the Revised Civil Statutes of 1895, relating to express companies, by adding thereto article 2431a, requiring express companies to establish and maintain general offices in this State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

COLQUITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 5, a bill to be entitled "An act to amend articles 4978, 4990, 4991, 4992 and 4993, title CII, chapter 5, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, for the reason that a similar bill has already been favorably reported to the Senate.

ROGERS, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Rogers:

Senate bill No. 103, a bill to be entitled "An act to protect the wild game, birds and wild fowls in this State, and to provide adequate penalties for the unlawful taking, slaughter, sale and shipment thereof."

Read first time and referred to Judiciary Committee No. 2.

By Senator Stone:

Senate bill No. 104, a bill to be entitled "An act to amend article 3744, chapter 10, title 79, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Linn of Wharton:

Senate bill No. 105, a bill to be entitled "An act to secure a system of drainage along the public roads of the State by excavating ditches and drains on either side thereof leading into the natural waterways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into same by owners of lands adjacent to said road, and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefited by such drainage system."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dibrell:

Senate bill No. 106, a bill to be entitled "An act to amend article 2302, of title 40, chapter 4, of the Revised Civil Statutes of the State of Texas, relating to the competency of witnesses in actions by or against executors, administrators or guardians, or by or against the heirs or legal representatives of a decedent."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dibrell:

Senate bill No. 107, a bill to be entitled "An act to amend article 2294, of title 40, chapter 3, of the Revised Civil Statutes of the State of Texas, relating to ex parte depositions of opposing parties."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bailey:

Senate bill No. 108, a bill to be entitled "An act to authorize owners of land platted into town lots to vacate said plats and parts thereof."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Woods:

Senate bill No. 109, a bill to be entitled "An act relating to the presence of minors in court rooms."

Read first time and referred to Judiciary Committee No. 2.

By Senator Boren:

Senate joint resolution No. 5, to

amend section 2, article VI, of the Constitution of Texas."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Wayland:

Resolved, That the Hon. T. S. Smith, the distinguished Speaker of the House of the Twenty-fourth Legislature, be invited to a seat within the bar of the Senate chamber.

On motion of Senator Harrison, the resolution was adopted.

Call concluded.

The following privileged committee report was made by Senator Gough:

Committee Room,

Austin, Texas, Jan. 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Rules, to whom was referred

House concurrent resolution No. 6, providing for the printing of the Constitution of the State and the rules of both houses, with the Constitution of the United States, in book form, etc.,"

Have carefully considered same, and I am instructed by committee to report same back to the Senate with the recommendation that it be adopted.

GOUGH, Acting Chairman.

On motion of Senator Gough, seconded by Senator Wayland, the above resolution (House concurrent resolution No. 6) was read and adopted.

#### UNFINISHED BUSINESS.

The Chair laid before the Senate, Senate bill No. 43, a bill to be entitled "An act to amend article 672, title 8, chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895."

Action being on engrossment,

Bill ordered engrossed.

Senator Gough moved to reconsider the vote by which the bill was ordered engrossed.

Senator Colquitt moved to lay the motion to reconsider on the table.

Tabled by the following vote:

Yeas—14.

Boren.	Neal.
Colquitt.	Rogers.
Dibrell.	Stafford.
Goss.	Stone.
Harrison.	Terrell.
Kerr.	Tillett.
Morriss.	Wayland.

Nays—8.

Bailey.	Lewis.
Burns.	Linn of Wharton.
Darwin.	Turney.
Gough.	Woods.

	Absent.
Beall.	Presler.
	Excused.
Atlee.	Ross.
Bowser.	Yantis.
Greer.	Yett.
Linn of Victoria.	

(Senator Goss in the chair.)

The Chair laid before the Senate, Senate bill No. 16, a bill to be entitled "An act to amend article 1942 of chapter 8, title 39, of the Revised Statutes of the State of Texas of 1895,"

On second reading, action being on the adoption of the following committee amendments:

Amend—

First. By adding to the caption, "Relating to bonds of administrators and executors and sureties thereon."

Second. By adding to section 1 the following: "And provided further, that the county judge shall not accept or approve any bond signed by any such corporation as surety, unless such corporation has complied with all the provisions of title XXI, chapter 16, Revised Civil Statutes of Texas, or other laws governing such corporations."

Third. By adding to section 1, after the word "State," in line 5, on the second page, "or foreign corporations permitted to do business in this State."

Fourth. By striking out section 2.

Pending action,

Senator Linn of Wharton moved that the Senate take a recess of thirty minutes in order to repair to the House of Representatives to listen to an address there being made by the Hon. William J. Bryan.

Senator Colquitt moved as a substitute that the Chair appoint a committee of two to invite the Hon. William J. Bryan to occupy a seat with the President of the Senate.

The substitute was accepted and carried.

The Chair appointed as said committee, Senators Colquitt and Lewis.

Pending further action on said committee amendments (see above),

On motion of Senator Wayland, a recess of thirty minutes was taken.

#### AFTER RECESS.

Lieutenant-Governor Jester rapped the Senate to order and introduced the United States' most distinguished private citizen, the Hon. William J. Bryan, who addressed the Senate, at the conclusion of which

Senator Morriss moved that a sec-

ond recess of fifteen minutes be taken to afford the Senators an opportunity to shake hands with the greatest man living.

Carried.

#### AFTER SECOND RECESS.

Senate called to order by Lieutenant-Governor Jester.

Action recurred on the adoption of the committee amendments to Senate bill No. 16 (see above). Same were adopted.

By Senator Dibrell:

Amend by striking out all in article 1942 after the word "provided," in line 19, and inserting in lieu thereof the following: "That such bond may be made by corporations organized or created under the laws of this State, for the purpose of issuing surety, guaranty or indemnity bonds, guaranteeing the fidelity of executors, administrators and guardians, and may be accepted by the county judge upon like terms with individuals."

By Senator Linn of Wharton:

Amend the amendment by adding after the word "State," "or foreign corporation permitted to do business in this State."

Adopted.

The amendment as amended was then adopted by the following vote:

Yeas—12.

Mr. President.	Harrison.
Beall.	Kerr.
Boren.	Morriss.
Colquitt.	Stafford.
Darwin.	Tillett.
Dibrell.	Woods.

Nays—11.

Burns.	Rogers.
Goss.	Stone.
Gough.	Terrell.
Lewis.	Turney.
Linn of Wharton.	Wayland.
Neal.	

Absent.

Bailey.

Excused.

Atlee.	Presler.
Bowser.	Ross.
Greer.	Yantis.
Linn of Victoria.	Yett.

The bill was then ordered engrossed.

The Chair laid before the Senate,

Senate bill No. 24, a bill to be entitled "An act to validate certain illegal sales of public school, University and asylum lands, sold under section 22, chapter 99, of the laws of 1887, and the amendments thereto, sold as iso-

lated and detached lands, which were not in fact isolated and detached,"

On second reading, action being on engrossment.

Senator Gough moved to indefinitely postpone further consideration of the bill.

Senator Linn of Wharton moved as a substitute that further consideration be postponed, and the bill be made special order for Thursday, February 4, after morning call.

Carried.

On motion of Senator Gough,

Senator Beall was excused for non-attendance upon the Senate on Monday, Tuesday and Wednesday of this week, on account of sickness.

On motion of Senator Gough,

Senator Presler was excused for to-day on account of sickness.

The Chair laid before the Senate,

Senate bill No. 15, a bill to be entitled "An act to amend article 2601, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas,"

Bill read third time.

Pending further action,

On motion of Senator Burns,

Senate bill No. 28, a bill to be entitled "An act to further define the duties of the Railroad Commission of Texas to make and enforce rules,"

Was recommitted to the Committee on Internal Improvements.

On motion of Senator Dibrell, the Senate adjourned until 10 a. m. tomorrow.

#### FOURTEENTH DAY.

Senate Chamber,

Austin, Tex., Thursday, Jan. 28.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Bailey.	Morriss.
Beall.	Neal.
Burns.	Rogers.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Wharton.	Yett.

Absent.

Boren.	Ross.
Presler.	

Excused.

Atlee.  
Bowser.

Greer.  
Linn of Victoria.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Terrell,

Senator Ross was excused from attendance upon the Senate for to-day.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 27, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 16, a bill to be entitled "An act to amend article 1942, chapter 8, title 39, of the Revised Statutes of the State of Texas of 1895, relating to bonds of administrators and executors and sureties thereon,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 43, a bill to be entitled "An act to amend article 672 of title 8, chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on State Asylums, to whom was referred

Senate bill No. 76, a bill to be entitled "An act granting to the State Orphan Home, situate at Corsicana, Navarro county, Texas, 50,000 acres of land out of the unappropriated public domain of Texas, and to provide for the carrying out of the provisions of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOUGH, Chairman.